

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

V.

Jesus Maria Elizondo

A208 266 409

United States

PRINCIPAL

YOB: 1990

United States District Court
Southern District of Texas
FILED

MAY 29 2015

CRIMINAL COMPLAINT

Case Number:

M-15-864 -M

Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 5/28/2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Sipriano Hu-Nunal, citizen and national of Guatemala and Moises Wong-Arreola, citizen and national of the United Mexican States, along with four (4) other undocumented aliens, for a total of six (6), who had entered the United States in violation of law, did knowingly and intentionally conspire and agree together with other persons known and unknown to transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Rio Grande City, Texas to the point of arrest near Rio Grande City, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(v)(I) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On May 28, 2015 Border Patrol Agents were conducting bike patrol operations near Rio Grande City, Texas and apprehended a 1 on 6 Alien Smuggling case. At approximately 12:30 a.m. Rio Grande City Police Department Officers advised Border Patrol Agent (BPA) Julio Ramirez that they had encountered a black suburban near the area. They stated that a vehicle stop was conducted when they observed the vehicle traveling with its headlights off. During the stop two individuals inside the vehicle were interviewed. Both individuals made conflicting statements, as to the reason that they were driving in the area. Both individuals were subsequently released by the Rio Grande City Police Officers.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

*Approved
Asst. Learned*

[Signature]
Signature of Complainant

Sworn to before me and subscribed in my presence,

May 29, 2015

Date

at McAllen, Texas

City and State

Dorina Ramos

Name and Title of Judicial Officer

U. S. Magistrate Judge

Julio Ibarra Senior Patrol Agent

Printed Name of Complainant

[Signature]
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15- 064 **-M**

RE: Jesus Maria Elizondo

A208 266 409

CONTINUATION:

At approximately 4:50 a.m., a black suburban was observed by agents traveling toward the dead end of Santo Nino Street. As the vehicle then proceeded to park and turn the headlights off. Agents then observed fifteen to twenty subjects emerge from the brush and begin to walk towards the vehicle. Agents in the area were notified of the activity. Agent Cortinas began to run toward the vehicle. Several subjects began to exit the vehicle and abscond into the brush near the parked vehicle. Responding agents immediately arrested two subjects inside the vehicle and an additional five in the brush directly adjacent to the vehicle. Agents apprehend a total of seven subjects and seized the vehicle. Six subjects apprehended freely admitted to not being citizens of the United States and to having entered the United States illegally. The seventh subject claimed to be a United States citizen. All seven subjects and the vehicle were transported to the Rio Grande City Border Patrol Station for processing.

At the Border Patrol Station, through interviews, Jesus Maria Elizondo Jr., a United States Citizen, was identified as the driver of the black suburban.

PRINCIPAL STATEMENT:

Jesus Maria Elizondo Jr. was read his Miranda rights. Elizondo understood his rights and was willing to provide a statement without the presence of an attorney.

Elizondo stated he was hired by an unknown subject who calls himself "99". He was asked if he wanted to earn some money by dropping off a vehicle for illegal aliens. Elizondo agreed to do it because he was in need of money. He was going to be paid \$700 USD and planned to walk home after he dropped off the vehicle. Elizondo stated when he arrived at the drop off location he observed a large group trying to cross over a fence. After Elizondo exited the vehicle, he attempted to abscond but was apprehended by Border Patrol Agents.

MATERIAL WITNESS STATEMENTS:

The two material witnesses were read their Miranda rights. Both stated they were willing to provide statements without the presence of an attorney.

1. Sipriano Hu-Nunal stated his younger brother made his smuggling arrangements with an unknown person in Guatemala and was going to pay \$7,000 USD for these arrangements. Hu stated that he arrived in Reynosa and was held at two different stash houses. Hu was then taken to the river and waited at the river's edge for 3 hours until crossing into the United States. Hu stated he crossed over with two guides and followed them for about 10 minutes until he arrived at a gate. Hu waited at the gate for about 5 minutes and was told to climb the gate and board a black vehicle. Hu stated while he was entering the vehicle he saw the driver exiting the vehicle and described him as tall with short hair and a lot of tattoos on one of his arms. Hu stated immigration then showed up and apprehended him and the driver of the vehicle. Hu identified Jesus Maria Elizondo in a photo lineup as the driver of the black suburban.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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CONTINUATION:

2. Moises Wong-Arreola stated his friend made his smuggling arrangements with an unknown smuggler in Camargo, Tamaulipas. Wong was going to pay \$3,000 USD after he arrived in Houston, Texas. Wong stated a total of 20 individuals crossed the Rio Grande River, including two guides, and they walked for about 10 minutes until they arrived at a gate. Wong waited and was told, by the guides, to climb over the gate and enter a black SUV that arrived. Wong believes six individuals entered the vehicle, and was able to see the driver exit the vehicle and walk towards the back of the vehicle to open the rear door. Wong described the driver as a tall male individual with short hair and a lot of tattoos on both arms. Wong stated immigration showed up and everyone including the driver ran into the brush. Wong stated he was apprehended and handcuffed with the driver while immigration was walking them out of the brush. Wong stated the driver told him to take his phone because he was going to be locked up, but Wong refused to take the cell phone because he didn't want immigration to think he was a guide. Wong identified Jesus Maria Elizondo in a photo lineup as the driver of the black SUV.